

Comments on Proposed Rules for United States Standards

For Peaches, Fresh Plums and Prunes, and Nectarines

These comments are being made concerning Proposed Rules, **Federal Register**, Vol. 67, No. 186, Wednesday, September 25, 2002.

On page 60173, section 51.1214 the following proposed statement is made concerning peaches:

“In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:”

Discussion reads as follows:

“The proposed addition of the phrase ‘a minimum 25 count sample’ establishes a basis for sampling uniformity.”

On page 60174, section 51.1525 the following proposed statement is made concerning plums:

“In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerance, by count, based on a minimum 25 count sample, are provided as specified:”

Discussion reads as follows:

“The proposed addition of the phrase ‘a minimum 25 count sample’ establishes a basis for sampling uniformity.”

On page 60178, section 51.3150 the following proposed statement is made concerning nectarines:

“In order to allow for variation incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:”

Discussion reads as follows:

“The proposed addition of the phrase ‘a minimum 25 count sample’ establishes a basis for sampling uniformity.”

Comments:

In trying to eliminate redundancy in these comments peaches, plums and nectarine are included as a whole except where specifically mentioned.

The lowering of the count sample from 40 to 25 for peaches and from 50 to 25 for plums and nectarines does not come as a recommended change from the peach, plum and nectarine industry. The lowering of this standard is cause for serious concern for the following reasons:

1. It is perceived (but not known) that this change is for economic reasons as opposed to the stated reason that it “establishes a basis for sampling uniformity.”
2. It does not establish “a bases for sampling uniformity” if compared to similar sized commodities with an established, excepted count sample that is either the entire container or 40 or 50

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pieces for the count sample. (Oranges are the only exception and this was only recently changed.)

3. Changing the count sample does not help establish “sampling uniformity” due to the fact that the percent allowed for non-serious defects, serious defects and decay is different for peaches as opposed to plums and nectarines. The percents do not work out to even numbers for peaches. For example with the current standard of 40 pieces for peaches 4 non-serious defects are 10%, 2 serious defects are 5%. With the recommended 25 count sample to get to the 10% non-serious defects allowed for the lot, one would have to have 2 ½ pieces of fruit, and for the 5% serious defects allowed for the lot one would have to have 1¼ pieces of fruit. Hence, one would have to go to a different count to allow the maximum percentage allowed for the lot tolerance allowed for that container. Sample counts would vary from one inspection to another making it more difficult for a SPI inspector to demonstrate to himself and the shipper when they were packing in grade or out of grade. With counts at 40 or 50 as they currently it is easy for anyone to glance at an inspectors notes and see the grade percentage.

4. By the above example in comment number 3, it can be seen that it would be easier to throw the container out of lot tolerance and container tolerance. With a count of 25, two pieces of fruit with serious defects would throw the container out of lot tolerance. The probability of this happening is

increased with the lowering of the sample size. With three pieces of fruit with serious defects, container tolerance would easily be exceeded. Probabilities are spread out when the sample size is greater in quantity.

5. If the average count in a container were around 25 it could be justified as a reason for establishing “a basis for sampling uniformity,” since that would be the average in the container. [This was the original reason for any proposed change. It was meant to be an addition to allow for the sampling of consumer packages and not a complete change.] However, since approximately 81% of the peaches are packed in the size range of 40’s to 60’s, and approximately 70% of the plums are packed in the size range of 30’s to 50’s, and approximately 77% of the nectarines are packed in the size range of 50’s to 70’s it can be seen that the majority of the containers packed contain more than 50 pieces of fruit. Why limit a sample to less than half the count in the majority of the containers?

6. Even though the inspector is supposed to do a random sample of every container that is inspected the possibility of randomness is reduced. If the inspector opens the container and a couple of bad pieces of fruit catch his eye, he will probably start with these pieces as part of his sample. If the sample size were a 25 count sample this would already be a deficit hard to overcome. With a 40 or 50 count sample the probability of the container meeting the set standard still exists. (As a side note, this writer, as a former SPI Inspector for peaches, plums

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and nectarines, has seen this happen on many occasions. It is not usual to find two serious defects in a container in the first part of the sample only to find no more defects in the rest of the sample.)

7. With the advent in recent years of the RPC (returnable plastic container) and the Euro box, which are both larger containers than the regular metric shoebox, there is now more fruit in the container not less. This is especially true concerning tray packed fruit. The reasoning for lowering the sample count would not make sense in this case.

8. With a 25 count sample size it would be easy for an inspector to never have to look at a bottom layer of a two layer tray packed container unless he chose to do so. This could be good or bad for the packer and/or buyer. The 40 and 50 count sample size forces the inspector to look at another layer of fruit in the majority of the sizes that are packed.

9. From the shipper's point of view, when the buyer calls for a Federal Inspection because the buyer feels there is something wrong with the fruit, the 25 count sample will allow for container tolerances to more easily be exceeded. The exception would be in cases of decay where the entire container would be looked at. In other cases it would be easier for the inspector to skew the results of the inspection. By nature any bad piece of fruit will catch the eye of the inspector. Even though it is a third party inspection, the purpose of the inspection most of the time is to find defects in the packed container of fruit.

There may be written instructions stating what to do when tolerances of any sort are exceeded, but these written instructions are not included here as part of the grade standards. In the current instructions for inspecting containers it states, "When a sample exceeds the Container Tolerance, the lot is out of grade regardless of the average, however, generally *no* lot should be put out of grade for this reason unless the *entire* contents of the container have been examined, or . . . at least doubled." These instructions are generally followed only when decay is found at SPI. By having specific instructions concerning how the 25 count sample is to be carried out written out in some other instruction book, the possibility for these instructions to be changed, reinterpreted or missed by an inspector over the years will always be there.

10. The original intent in the count sample being amended was to have a better count sample for consumer packages where the count is generally much smaller than what would be in the average count in lugs and boxes packed for retail. Instead of being amended it was completely changed.

11. Industry is for an addition that would read as follows:

Consumer Packages (Peaches) –
Sampling for all lots shall consist of at least 40 fruit. If the consumer packages have less than 40, a composite sample of 40 fruit or more shall be examined from adjoining packages. The entire contents of each adjoining package shall be used

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for each package opened. A minimum of at least 2 samples must be examined to certify a lot. For consumer packages, the individual packages are not restricted as to the percentage of defects.

Consumer Packages (Plums and Nectarines) – Sampling for all lots shall consist of at least 50 fruit. If the consumer packages have less than 40, a composite sample of 50 fruit or more shall be examined from adjoining packages. The entire contents of each adjoining package shall be used for each package opened. A minimum of at least 2 samples must be examined to certify a lot. For consumer packages, the individual packages are not restricted as to the percentage of defects.

Recommendations:

1. Do not change to the current proposal.
2. Use comment number 11.

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On page 60177 the following standard is proposed:

51.1532 Damage

“(j) Discoloration when greenish to brown definitely contrasting with the normal surface color of the fruit and affecting more than 10 percent of the surface.”

51.1536 Serious Damage

“(l) Discoloration when greenish to brown definitely contrasting with the normal surface color of the fruit and affecting more than 25 percent of the surface.”

The discussion for each of the above proposed standard reads as follows:

“This defect is currently being scored based on the ‘general definition.’ Adding specific scoring criteria would provide an objective means of evaluating this defect.”

Comments:

1. Due to the fact that there are so many different plum varieties with so many different characteristics, it would not be prudent to make one of these characteristics a defect.

2. There are plum varieties that have many things going for the variety (flavor, sweetness, aroma, size, timing when picked, unique look, etc.), but with some varieties they may have a more translucent type of skin. With time (after the plum is harvested) this translucent type skin may develop a “greenish to brown” surface discoloration. It may not be the most desirable characteristic, but the buyer often tolerates it. This may detract from the appearance of the fruit, but with the introduction of so many new varieties along with the old varieties these purposed standards should not be made a hard and fast rule that is difficult to change and does not allow for variations to occur.

3. There are varieties (Catalina, Mariposa and Elephant Hearts to name a few) that have mottling on them that could easily be confused as a defect with these proposed standards. These plums vary from year to year the way they look because of the many variables that can occur (temperatures in the winter, rains, soils, etc.).

Recommendation:

Keep it as part of the “general definition” where if needed it can be changed.